

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING
ORDINANCE NUMBER 1712, THE ZONING ORDINANCE (ZA-93-02).**

WHEREAS, the 1993 Oregon State Legislature adopted House Bill 2835 which requires cities and counties to permit manufactured home placement on individual lots anywhere single-family housing is permitted, and

WHEREAS, House Bill 2835 requires cities and counties to adopt rules and standards in compliance by May 1, 1994, and

WHEREAS, the City Zoning Ordinance must be amended to comply with House Bill 2835, and

WHEREAS, public hearings were held on this matter by the City Planning Commission on November 9 and 23, 1993, and by the City Council on December 7, 1993,

**NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS
FOLLOWS:**

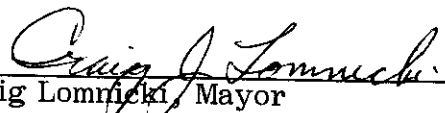
Section 1. Findings. Findings of fact in support of the proposed amendments are attached as Exhibit A.

Section 2. Zoning Ordinance Text Amendment. The Zoning Ordinance text of Ordinance Number 1712 is amended as described in Exhibit B.


Read the first time on December 7, 1993, and moved to a second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council on December 7, 1993.

Signed by the Mayor on December 7, 1993.


Craig Lomnicki, Mayor

ATTEST:


Pat Duval, City Recorder

Approved as to form:


O'Donnell Ramis Crew & Corrigan
City Attorney

EXHIBIT A - FINDINGS FOR ZA-93-02

1. Amendments are proposed to the City Zoning Ordinance (Exhibit B) in order to comply with HB 2835 which was adopted by the 1993 State Legislature and to be consistent with current provisions of ORS 446.003 relative to manufactured dwellings.
2. HB 2835 requires cities and counties to develop land use regulations permitting placement of manufactured homes on individual lots in all areas zoned for single-family residences.
3. Sections 904.1 and 905.1 of the Zoning Ordinance contain criteria for zoning text amendments. These will be addressed in separate findings as follows.
4. Section 904.1.A requires the following be met:

Applicable requirements of Section 1003.

Section 1003 requires appropriate application materials be provided. Since this is a legislative amendment, the City is the applicant and an appropriate application form has been provided within the official file for ZA-93-02.

5. Section 904.1.B requires:

Reasons for requesting the proposed text amendments.

The City is mandated to comply with HB 2835 since this bill has been enacted into State law and makes specific requirements of cities and counties (see Finding 2). In addition, ORS 446.003 sets standards for manufactured dwellings which must be met by local jurisdictions.

6. Section 904.1.C requires:

Explanation of how the proposed text amendment is consistent with other provisions of this Ordinance.

The proposed text amendments (Exhibit A) will result in the same treatment of manufactured homes as for conventional single-family, frame-type constructed homes; will bring the City Zoning Ordinance into compliance with HB 2835, which modified ORS 197.307(5); and will bring the City into compliance with ORS 446.003 relative to manufactured dwellings.

7. Section 904.1.D requires the criteria of Section 905 be addressed. These are addressed in subsequent findings.

EXHIBIT A - FINDINGS FOR ZA-93-02 continued

8. Section 905.1.A requires:

The proposed amendment must conform to applicable Comprehensive Plan goals, policies, and objectives and be consistent with the provisions of City ordinances.

The Housing Choice Objective within the Residential Land Use and Housing Element of the Milwaukie Comprehensive Plan promotes manufactured home placement where appropriate as a method to further housing choice. This is consistent with provisions of Statewide Planning Goal 10 (Housing) which also promotes housing choice. Applicable sections of the Milwaukie Zoning Ordinance are being modified in accordance with HB 2835 to further promote this method of housing choice.

9. Section 905.1.B requires:

The anticipated development must meet the intent of the proposed zone, taking into consideration the following factors: site location and character of the area, the predominant land use pattern and density of the area, the potential for mitigation measures adequately addressing development effects, any expected changes in the development pattern for the area, the need for uses allowed by the proposed zone amendment, and the lack of suitable alternative sites already appropriately zoned for the intended use or uses. The Planning Commission and City Council shall use its discretion to weight these factors in determining the intent of the proposed zone.

The intent of HB 2835 is to have manufactured homes treated in the same manner as conventional frame-style housing. Property owners would have a choice of a conventional or manufactured home on lots in all areas zoned for single-family use. Planned and zoned densities will not change. Construction standards for manufactured homes today are virtually the same as for conventional frame-style housing. All normal zoning standards will still apply regardless of the unit type. Additional standards, mandated by ORS 197.307(5) and already adopted by the City, will also apply for placement of a manufactured home. Older or smaller units that do not meet these standards would only be allowed within mobile home parks.

10. Section 905.1.C requires:

The proposed amendment will meet or can be determined to reasonably meet applicable regional, State, or federal regulations.

The City Attorney's office has reviewed the proposed modifications and has not requested any changes to this proposal. The Planning Commission has also reviewed the proposed amendments and indicated consensus that HB 2835 provisions are met. The proposed amendments comply with the intent of HB 2835, which is to consider manufactured homes in the same light as conventional frame-style, single-family construction. The amendments do not supersede other regulations applicable to housing construction or placement.

EXHIBIT A - FINDINGS FOR ZA-93-02 continued

11. Section 905.1.D requires:

The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.

This criterion is not applicable as it pertains to a specific site oriented development proposal. Allowing single-family manufactured homes to be placed on individual lots the same as conventional single-family housing will not impose any greater service demand than currently exists in all areas within Milwaukie zoned for single-family residential use.

Conclusion

Proposed changes to the Zoning Ordinance are consistent with the standards and intent of HB 2835 and ORS 446.003 according to findings above.

EXHIBIT B - ZONING ORDINANCE TEXT AMENDMENTS

1. In the Table of Contents, replace the title of Section 418 with:
"418 MANUFACTURED DWELLING PARKS"
2. In Section 100, replace the definition of "dwelling, single-family detached" with the following:
"Dwelling, single-family detached: Means a house or a manufactured home normally occupied by one family with no structural connection to adjacent units. The dwelling and lot are usually under single ownership."
3. In Section 100, replace the definition of "mobile home" with:
"Manufactured dwelling: Means a residential trailer, mobile home, or manufactured home meeting ORS 446.003(25) and designed to be used as a year-round residential dwelling. The manufactured dwelling is a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, and that is being used for residential purposes."
4. In Section 100, replace the definition of "mobile home park" with:
"Manufactured dwelling park: Means a lot, tract, or parcel of land under one ownership, the primary purpose of which is to rent space for placement of a manufactured dwelling. A manufactured dwelling park shall contain a minimum of 2 acres, and a minimum of four manufactured dwellings."
5. In Section 100, replace the definition of "manufactured home" with:
"Manufactured home: Means a single-family residential structure as defined in ORS 446.003(25)(a)(C) which includes a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with the Manufactured Housing Construction and Safety Standards of 1974 (42 USC Sections 5401 et. seq.) as amended on August 22, 1981."
6. In Section 100, delete the definition for "manufactured home subdivision."
7. In Section 100, insert a new definition for "mobile home," as follows:
"Mobile home: Means a manufactured dwelling that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon Mobile Home Law in effect at the time of construction."

EXHIBIT B - ZONING ORDINANCE TEXT AMENDMENTS continued

8. In Section 100, insert a new definition for "residential trailer," as follows:
"Residential trailer: Means a manufactured dwelling that was constructed prior to January 1, 1962."
9. In Section 302.1, delete subsections "B. Manufactured homes" and "C. Manufactured home subdivisions" and reletter subsequent subsections accordingly.
10. In Section 303.2, delete subsections "D. Manufactured homes" and "C. Manufactured home subdivision" and reletter subsequent subsections accordingly.
11. In Section 304.2, delete subsections "E. Manufactured homes" and "F. Manufactured home subdivision" and reletter subsequent subsections accordingly.
12. In Section 305.2, delete subsections "D. Manufactured homes" and "E. Manufactured home subdivision" and reletter subsequent subsections accordingly.
13. In Section 306.2, delete subsections "E. Manufactured homes" and "F. Manufactured home subdivision" and reletter subsequent subsections accordingly.
14. In Section 307.2, delete subsections "D. Manufactured homes" and "E. Manufactured home subdivision" and reletter subsequent subsections accordingly.
15. In Section 308.2, delete subsections "E. Manufactured homes" and "F. Manufactured home subdivision" and reletter subsequent subsections accordingly.
16. In Section 309.1.A, delete the word "attached" and insert the word "detached" in front of the word "dwelling."
17. In Section 309.2, delete subsections "B. Manufactured homes" and "C. Manufactured home subdivision" and reletter subsequent subsections accordingly.
18. Replace the words "mobile home" with "manufactured dwelling" in Sections 418, 418.1, 418.2, 418.3, 418.4, 418.4.A-I, and 418.4.L.
19. In Table 2 within Section 419.2, delete the "X"s under the "Conditional Use" column.
20. In Section 419.3, replace the old definition of "manufactured home" with the new definition as listed in item 5 above.
21. In Section 419.3, delete subsection "B. Manufactured home subdivision."

EXHIBIT B - ZONING ORDINANCE TEXT AMENDMENTS continued

22. In Section 419.5.A, replace the phrase "the R-7 Zone" with "all R-Zones."
23. Delete subsection 419.5.B "For unit placement" and reletter subsequent sections accordingly.
24. Delete Section 419.6.A-E "Manufactured home subdivisions" and renumber subsequent sections accordingly.
25. Delete renumbered Section 419.7.B "Conditional use reviews" and reletter subsequent subsections accordingly.
26. Delete Sections 602.9 and 602.10 in entirety and renumber subsequent sections accordingly.